481; *Weir v. Hoss* (1844) 6 Ala. 881. But the gist of the action under a statute like that in the principal case is injury to the feelings, arousing anger and tending to cause a breach of the peace. *Brooks v. Calloway* (1841) 12 Leigh (Va.) 466. The offended party cannot blend the two actions into one count. *Chaffin v. Lynch* (1887) 83 Va. 106; *Payne v. Tancil* (1900) 98 Va. 262. Accordingly it would seem that the plaintiff in the principal case should not have been allowed to recover for loss of reputation.

J. N. M.

MASTER AND SERVANT—NEGLIGENCE—LIABILITY OF FATHER FOR INJURY BY MINOR SON IN OPERATING PLEASURE CAR.—LEMKE V. ADY (1916) 159 N. W. (IA.) 1011.—The defendant owned a motor car used exclusively for pleasure. His minor son, while operating the car for his mother and two guests, negligently injured the plaintiff. *Held,* that the defendant was liable on the ground of agency for the tort committed by the son.

A father is not responsible for the torts of his minor child, committed without his knowledge or consent, if it is not in the course of his employment. *Wilson v. Garrard* (1871) 59 Ill. 51; *Needles v. Buck* (1884) 81 Mo. 569. Accordingly, the liability of the father for torts committed by the son in negligently driving the father's car, rests solely on their relation as master and servant. *Linville v. Nissen* (1913) 162 N. C. 95; see *Towers v. Errington* (1912) 138 N. Y. S. 119. An attempt has been made to hold the owner liable for the negligence of anyone driving with his permission on the ground that the automobile is a dangerous agency *per se.* See *Hays v. Hogan* (1914) 180 Mo. App. 237. This, however, has not been commonly recognized. *Parker v. Wilson* (1912) 179 Ala. 361; *Jones v. Hoge* (1907) 47 Wash. 663. Courts apply different tests in determining when a minor son is a servant of the father in operating the latter's car. A mere general permission that the son may use the car for his own personal pleasure does not render the father liable. *Hays v. Hogan, supra; Parker v. Wilson, supra.* However, the relation of master and servant has been held to exist where the son was the only one in the family licensed to operate the machine and was driving the car for his mother's pleasure. *Smith v. Jordan* (1912) 211 Mass. 269. The same relation is created where the son was driving the car for his sister's entertainment. *State v. Morris* (1912) 147 Ky. 386. If, however, the car, taken by the son for pleasure, is one which is usually driven by a chauffeur and used in the owner's business, the courts hesitate to find the existence of the relation of master and servant. *Parker v. Wilson, supra.* In the principal case the agency of the son appears to have been sufficiently established to render the father liable.

R. W. D.

MASTER AND SERVANT—WORKMEN'S COMPENSATION—"HAZARDOUS EMPLOYMENT"—APPLICATION TO NIGHT WATCHMAN IN ESTABLISHMENT SO CLASSIFIED.—FOGARTY V. NATIONAL BISCUIT CO. (1916) 161 N. Y. S. 937.—The plaintiff's intestate, a night watchman for the defendant, received injuries resulting in his death from a fall down stairs while on duty when the plant was not in operation. The defendant's business was